

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 15 September 2004. Responsive to that Office Action, Claims 21, 23, and 25 are now amended for further prosecution with the other pending Claims. It is believed that with such amendment of Claims, there is a further clarification of their recitations.

In the Office Action, the Examiner rejected Claims 23 and 25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner found to be confusing the terms “silicon” mentioned in Claim 23 and “colorful” mentioned in Claim 25.

It is believed that the clarifying amendments incorporated into Claims 23 and 25 now remove these informalities. Regarding the term “silicon,” such reflects a typographical error for the correct term “silicone.” This typographical error is readily apparent from the surrounding context of the disclosure. The informalities having thus been removed, it is believed that the Examiner’s formal concerns under 35 U.S.C. § 112, second paragraph, are hereby obviated.

Also in the Office Action, the Examiner rejected Claims 21-29 under 35 U.S.C. § 103(a) as being unpatentable over the Shepherd reference in view of the Yang reference. In setting forth this rejection, the Examiner cited Shepherd for disclosing a label which includes, among other things, a powder metal ink. The

Examiner nonetheless acknowledged that Shepherd fails to teach the use of an additional resin layer between the ink and additional adhesive layer. The Examiner cited Yang for disclosing the deficient features, however, and concluded that it would have been obvious to one of ordinary skill in the art to have incorporated Yang's features into the Shepherd label.

As newly-amended independent Claim 21 now more clearly recites, Applicant's transfer sticker includes among its combination of features "a first isolating layer" formed on a substrate and a "resin layer detachably coated directed on the first isolating layer." The sticker also includes among its features "a metal powder layer electroplated on the resin layer," and "a first protective resin layer printed" on this metal powder layer. Additionally, "a second protective resin layer [is] printed to overlay and capture the first protective resin layer over the metal powder layer," so as to "protect the patterns" defined thereby.

The full combination of these and other features now more clearly recited by Applicant's pending Claims is nowhere disclosed by the cited references. Note in this regard that Shepherd is directed to a "surprinting" label by which the indicia, or the "surprint 4" of the label is itself directly applied to the given receiving surface. As shown, label 3 which bears the surprint is carried on a temporary carrier, attached thereto by a release coating 2. For use, the label 3 is applied onto an outer surface of the receiving surface 6 with the surprint 4 side down. When heat and pressure are applied, the temporary carrier 1 and release

coating 2 are removed and the surprint 4 (with its label 3) is itself adhered to the receiving surface 6.

Although the Examiner correlated Shepherd's surprint 4 (and its ink composition) to the claimed metal powder layer, Shepherd nowhere discloses this surprint 4 to be "electroplated on ... [a] resin layer," nor provided with a separate "first protective resin layer printed" thereon, as Claim 21 now more clearly recites. To the contrary, Shepherd's very purpose is to effect a "surprinting" of the surprint 4 directly onto the given receiving surface – which necessarily precludes any intervening layer, resin or otherwise. Shepherd thus teaches away from the metal powder layer-containing structure recited now more clearly by newly-amended independent Claim 1.

Given such contrary teachings of the primarily-cited Shepherd reference, the teachings of the secondarily-cited Yang reference are found to be quite ineffectual to the present patentability analysis. Note in any event that, in addition to its failure to disclose any metal powder layer, Yang discloses a structure quite different from Applicant's in a number of respects. For example, the Examiner presumably correlates Yang's base plate layer 13 with the resin layer upon which Applicant's metal powder layer is electroplated. Yang's base plate layer 13, however, is prescribed over an adhesive layer 12 which then attaches to a releasing layer 11. This departs from any "resin layer detachably coated directly on the first isolating layer," recited now more clearly by Claim 1.

Note also that while Yang provides a protective layer 16 over the color printing layer 15, it nowhere even suggests "a second protective resin layer," as Claim 21 recites. It certainly does not teach such second protective resin layer being "printed to overlay and capture the first protective resin layer over ... [any] metal powder layer to protect the patterns" defined thereby, as Claim 21 also now more clearly recites.

It is respectfully submitted, therefore, that the cited Shepherd and Yang references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application. The other reference cited by the Examiner but not used in the rejection is believed to be further remote from Applicant's claimed transfer sticker when patentability considerations are taken into account.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

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